Amendment I to the Criminal Law of the People's Republic of China

(Adopted at the 13th Meeting of the Standing Committee of the Ninth National People's Congress on December 25, 1999 and promulgated by Order No. 27 of the President of the People's Republic of China on December 25, 1999)

In order to punish crimes disrupting the order of the socialist market economy and ensure smooth progress of the socialist modernization drive, the following additional amendments are made to the Criminal Law:

1. One article is added after Article 162 to be Article 162a: "Whoever conceals or intentionally destroys accounting vouchers, account books or financial and accounting statements, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan.

"Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished according to the provisions in the preceding paragraph."

2. Article 168 is revised as follows: "Where an employee of a State-owned company or enterprise, because of being seriously irresponsible or abuse of power, causes bankruptcy or heavy losses to the said company or enterprise, thus occasioning major losses to the interests of the State, he shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if especially major losses are occasioned to the interests of the State, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

"Any employee of a State-owned institution commits any of the crimes mentioned in the preceding paragraph and causes major losses of the interests of the State, he shall be punished in accordance with the provisions in the preceding paragraph.

"Any employee of a State-owned company, enterprise or institution who engages in malpractices for selfish ends and commits any of the crimes mentioned in the preceding two paragraphs shall be a given heavier punishment in accordance with the provisions in the first paragraph."

3. Article 174 is revised as follows: "Whoever, without the approval of the competent State department, establishes a commercial bank, stock exchange, futures exchange, securities company, futures agency, insurance company or any other financial institution shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall also, or shall only, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall also be fined not less than 50,000 yuan but not more than 500,000 yuan."
“Whoever forges, alters or transfers the business license or document of approval of a commercial bank, stock exchange, futures exchange, securities company, futures agency, insurance company or any other financial institution shall be punished in accordance with the provisions of the preceding paragraph.

“Where a unit commits any of the crimes mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the first paragraph.”

4. Article 180 is revised as follows: “Any person with knowledge of inside information on securities or futures trading or any person who illegally obtains such information, prior to the publication of the information that concerns security issue, securities or futures trading or that has a vital bearing on the trading prices of securities or futures, buys or sells the said securities, engages in the futures trading which the said inside information concerns, or divulges the said information shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than the amount of but not more than five times the illegal gains; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than the amount of but not more than five times the illegal gains.

“Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

“The definitions for inside information and persons with knowledge of inside information shall be determined in accordance with the provisions of laws or administrative rules and regulations.”

5. Article 181 is revised as follows: “Whoever fabricates and spreads false information that adversely affects securities or futures trading, thus disrupting the securities or futures trading market, shall, if the consequences are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan.

Any employee of a stock exchange, futures exchange, securities company or futures agency or any staff member of the Securities Industry Association, the Futures Industry Association or the securities and futures regulatory authority who intentionally provides false information or forges, alters or destroys trading records in order to inveigle investors into buying or selling securities or futures contracts, and thus serious consequences result, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than 10,000 yuan but not more than 100,000 yuan; if the circumstances are especially vile, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined not less than 20,000 yuan but not more than 200,000 yuan.
6. Article 182 is revised as follows: “Whoever commits any of the following crimes by manipulating securities or futures trading prices in order to obtain illegitimate benefits or shift risks to others shall, if the circumstances are serious, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined not less than the amount of but not more than five times the illegal gains:

   (1) whether independently or in collusion with others, carrying out combined or successive purchases or sales by building up an advantage in terms of funds, shareholding or futures holding or using one's advantage in terms of information, thereby manipulating the trading prices of securities or futures;

   (2) collaborating with another person to mutually trade securities or futures or to mutually buy or sell securities not held by them at a prearranged time and price and by prearranged means, thereby affecting the price or the volume of the securities or futures traded;

   (3) buying or selling securities from or to oneself without transfer of ownership of the securities by means of making oneself the other party to the transaction, or buying or selling futures contracts from or to oneself by the same means, thereby affecting the price or the volume of the securities or futures traded; or

   (4) manipulating the trading prices of securities or futures by other means.

   Where a unit commits any of the crimes mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the crime shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.”

7. Article 185 is revised as follows: “Any staff member of a commercial bank, stock exchange, futures exchange, securities company, futures agency, insurance company or any other financial institution who, taking advantage of his position, misappropriates funds of the unit he belongs to or of a client, shall be convicted and punished in accordance with the provisions in Article 272 of this Law.

   If any staff member of a State-owned commercial bank, stock exchange, futures exchange, securities company, futures agency, insurance company or any other financial institution mentioned in the preceding paragraph to engage in public service commits the crime mentioned in the preceding paragraph, he shall be convicted and punished in accordance with the provisions in Article 384 of this Law.”

8. One sub-paragraph is added to Article 225 as sub-paragraph (3): “without approval of the competent State department, illegally engaging in securities, futures
or insurance business;” and the original third sub-paragraph is changed to be the fourth.

9. This Amendment shall enter into force as of the date of promulgation.

Amendment II to the Criminal Law
of the People’s Republic of China

(Adopted at the 23rd Meeting of the Standing Committee of the Ninth National People’s Congress on August 31, 2001 and promulgated by Order No. 56 of the President of the People’s Republic of China on August 31, 2001)

In order to punish the crimes of cutting down trees for opening up farmland and of unlawfully occupying or indiscriminately using forestland and to effectively protect the forest resources, Article 342 of the Criminal Law is revised as follows:

"Whoever, in violation of the regulations on land administration, unlawfully occupies cultivated land, forestland or other farmland, and uses it for other purposes, if the area involved is relatively large and a large area of such land is damaged, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall also, or shall only, be fined."

This Amendment shall go into effect as of the date of promulgation.

Amendment III to the Criminal Law of
the People’s Republic of China

(Adopted at the 25th Meeting of the Standing Committee of the Ninth National People’s Congress on December 29, 2001 and promulgated by Order No. 64 of the President of the People’s Republic of China on December 29, 2001)

In order to punish the crimes of terrorism, to safeguard the security of the State and of people’s lives and property, and maintain public order, additional amendments are made to the Criminal Law as follows:

1. Article 114 is revised to read: "Whoever commits arson, breaches a dike, causes explosion, spreads poisonous or radioactive substances, infectious-disease pathogens or other substances, or uses other dangerous means, thereby endangering public security but causing no serious consequences, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years."

2. The first paragraph of Article 115 is revised to read: "Whoever commits arson, breaches a dike, causes explosion, spreads poisonous or radioactive substances, or infectious-disease pathogens or other substances, or uses other dangerous means, thereby inflicting serious injury or death on people or causing heavy losses of public or private property, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death."
3. The first paragraph of Article 120 is revised to read: "Whoever forms or leads a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment; persons who actively participate in a terrorist organization shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; other participants shall be sentenced to fixed-term imprisonment of not more than 3 years, criminal detention, public surveillance or deprivation of political rights."

4. One article is added after Article 120 to be Article 120a: "Whoever provides funds to any terrorist organization or individual who engages in terrorism shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention, public surveillance or deprivation of political rights, and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years, and he shall also be fined or his property shall be confiscated.

Where a unit commits the crime mentioned in the preceding paragraph, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible for the offence shall be punished in accordance with the provisions of the preceding paragraph."

5. The second paragraph of Article 125 is revised to read: "Whoever illegally manufactures, trades in, transports or stores poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be punished in accordance with the provisions of the preceding paragraph."

6. Article 127 is revised to read: "Whoever steals or forcibly seizes any guns, ammunition or explosives, or steals or forcibly seizes poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, shall be sentenced to fixed-term imprisonment of not less than 3 years but not more than 10 years; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

Whoever robs any guns, ammunition or explosives, or robs poisonous or radioactive substances, infectious disease pathogens or other substances, thereby endangering public security, or steals or forcibly seizes any guns, ammunition or explosives from State organs or members of the armed forces, the police or the people's militia, shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death."

7. Article 191 is revised to read: "Whoever, while clearly knowing that the funds are proceeds illegally obtained from drug-related crimes or from crimes committed by organizations in the nature of criminal syndicate, crimes of terrorism or crimes of smuggling and gains derived therefrom commits any of the following acts in order to cover up or conceal the source or nature of the funds shall, in addition to being confiscated of the said proceeds and gains, be sentenced to fixed-term imprisonment of not more than 5 years or criminal detention and shall also, or shall only, be fined not less than 5 percent but not more than 20 percent of the amount of money laundered; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than 5 years but not more than 10 years and shall also be fined not less than 5 percent but not more than 20 percent of the amount of money laundered: (1) providing
8. One article is added after Article 291 to be Article 291a: "Whoever spreads hoaxes of explosive, poisonous or radioactive substances, of infectious-disease pathogens or of other substances, fabricates terrorist information invoking explosive, biochemical, radioactive or other threats, or intentionally disseminates terrorist information while clearly knowing that it is fabricated, thereby seriously disturbing public order, shall be sentenced to fixed-term imprisonment of not more than five years, criminal detention or public surveillance; if the consequences are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years."

9. This Amendment shall go into effect as of the date of promulgation.
be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and shall, in addition, be fined not less than half, but not more than two times, the amount of earnings from sales or be sentenced to confiscation of property."

2. One paragraph is added to Article 152 as the second paragraph, which reads: "Whoever, evading Customs supervision and control, transports solid waste, liquid waste or gaseous waste from outside China into the territory of China, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years and shall in addition, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years and shall in addition be fined."

The original second paragraph of Article 152 is revised as the third paragraph, which reads: "Where a unit commits any of the crimes as mentioned in the preceding two paragraphs, it shall be fined, and the persons who are directly in charge of the unit and the other persons who are directly responsible for the crime shall be punished in accordance with the provisions of the preceding two paragraphs."

3. Article 155 is revised to read: "Whoever commits any of the following acts shall be deemed to have committed the crime of smuggling and shall be punished in accordance with the relevant provisions of this Section: (1) directly and illegally purchasing from smugglers articles, the import of which is forbidden by the State, or directly and illegally purchasing from smugglers other smuggled goods or articles and in and of relatively large quantities and values; (2) transporting, purchasing or selling in inland seas, territorial waters, boundary rivers or boundary lakes articles the import and export of which are forbidden by the State, or transporting, purchasing or selling, without legal certificates and in and of relatively large quantities and values, goods or articles the import and export of which are restricted by the State."

4. One article is added after Article 244 as Article 244(a), which reads: "Where a unit, in violation of the laws and regulations on labor administration, employs a minor under the age of 16 to do physical labor of ultra-intensity, or to work high above the ground or in a pit, or to work under explosive, inflammable, radioactive, poisonous and other dangerous conditions, if the circumstances are serious, the person who is directly responsible shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall, in addition, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined.

"Whoever commits the act mentioned in the preceding paragraph, which results in an accident and at the same time constitutes another crime, shall be punished in accordance with the provisions on combined punishment for several crimes."

5. The third paragraph of Article 339 is revised to read: "Whoever, under the pretext of using it as raw material, imports solid waste, liquid waste or gaseous waste that cannot be used as such shall be convicted and punished in accordance with the provisions of the second and the third paragraph of Article 152 of this Law."
6. Article 344 is revised to read: "Whoever, in violation of the regulations of the State, illegally fells or destroys precious trees or other plants under special State protection, or illegally purchases, transports, processes or sells such trees or plants as well as the products thereof, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall, in addition, be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined."

7. Article 345 is revised to read: "Whoever stealthily fells trees, bamboo, etc. in forest or woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall in addition, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined; if the amount involved is especially huge, he shall be sentenced to fixed-term imprisonment of not less than seven years and shall, in addition, be fined.

"Whoever, in violation of the provisions of the Forestry Law arbitrarily fells trees, bamboo, etc. in forest or woods, if the amount involved is relatively large, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall in addition, or shall only, be fined; if the amount involved is huge, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined.

"Whoever illegally purchases or transports trees, bamboo, etc. which he clearly knows are felled stealthily or arbitrarily, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall, in addition, or shall only, be fined; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall, in addition, be fined.

"Whoever stealthily or arbitrarily fells trees, bamboo, etc. in forest or woods of nature reserves at the national level shall be given a heavier punishment."

8. Article 399 is revised to read: "Any judicial officer who, bending the law for selfish ends or twisting the law for a favor, subjects to investigation for criminal responsibility a person he knows to be innocent or intentionally protects from investigation a person he knows to be guilty or, intentionally running counter to the facts and law twists the law when rendering judgments or orders in criminal proceedings shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than ten years.

"Any judicial officer who, in civil or administrative proceedings, intentionally runs counter to the facts and law and twists the law when rendering judgments or orders, if the circumstances are serious, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; if the circumstances
are especially serious, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

"Any judicial officer who, being seriously irresponsible or abusing his power in execution of judgments or orders, does not take preservation measures in litigation in accordance with law or does not perform his statutory duty of execution, or unlawfully takes preservation measures in litigation or takes compulsory enforcement measures, thus causing heavy losses to the interests of the parties or other persons, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; and if especially heavy losses are caused to the interests of the parties or other persons, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than ten years.

"Any judicial officer who accepts bribes and commits one of the acts mentioned in the preceding three paragraphs, which at the same time constitutes a crime as provided for in Article 385 of this Law shall be convicted and punished in accordance with the provisions for a heavier punishment."

9. This Amendment shall go into effect as of the date of promulgation.

Amendment V to the Criminal Law

of the People's Republic of China

(Adopted at the 14th Meeting of the Standing Committee of the Tenth National People's Congress on February 28, 2005)

1. One article is added after Article 177 as Article 177(a), which reads:

"Whoever commits one of the following acts which hamper the administration of credit cards shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention and shall in addition, or shall only, be fined not less than RMB 10,000 yuan but not more than 100,000 yuan; if the amount involved is huge or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years and shall, in addition, be fined not less than 20,000 yuan but not more than 200,000 yuan:

(1) knowingly holding or transporting forged credit cards, or knowingly holding or transporting forged blank credit cards in relatively large quantities;

(2) illegally holding other persons' credit cards in relatively large quantities;

(3) obtaining credit cards by using false identity certification; and

(4) selling, buying, or providing other persons with, forged credit cards or credit cards obtained by using false identity certification.

Whoever steals, buys or illegally provides information and materials about other persons' credit cards shall be punished in accordance with the provisions of the preceding paragraph."
“Any staff member of a bank or any other financial institution who, taking advantage of his position, commits the act mentioned in Subparagraph (2) shall be given a heavier punishment.”

2. Article 196 is revised to read: “Whoever commits fraud by means of a credit card in any of the following ways shall, if the amount involved is relatively large, be sentenced to fixed-term imprisonment of not more than five years or criminal detention and shall, in addition, be fined not less than 20,000 yuan but not more than 200,000 yuan; if the amount involved is huge, or if there are other serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall, in addition, be fined not less than 50,000 yuan but not more than 500,000 yuan; if the amount involved is especially huge, or if there are other especially serious circumstances, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall, in addition, be fined not less than 50,000 yuan but not more than 500,000 yuan or his property shall be confiscated:

"(1) using a forged credit card, or using a credit card obtained by using false identity certification;

"(2) using an invalidated credit card;

"(3) illegally using another person’s credit card; and

"(4) overrawing with ill intentions.

"Overdrawing with ill intentions as mentioned in the preceding paragraph means that a credit card holder who, for the purpose of illegal possession, overdraws beyond the norm set or beyond the time limit and refuses to repay the overdrawn amount after the bank that issues the card urges him to do so.

"Whoever steals a credit card and uses it shall be convicted and punished in accordance with the provisions in Article 264 of this Law”

3. One paragraph is added to Article 369 as the second paragraph and this Article is revised to read: “Whoever sabotages weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance; whoever sabotages major weapons or equipment, military installations or military telecommunications shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years; if the circumstances are especially serious, he shall be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death.

"Whoever unintentionally commits the crime mentioned in the preceding paragraph, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than three years or criminal detention; if the consequences are especially serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years.

"Whoever in wartime commits any of the crimes mentioned in the preceding two paragraphs shall be given a heavier punishment.”
4. This Amendment shall go into effect as of the date of promulgation.